



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NO. 63539

Inventor: David A. Struyk

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Provisional Application Serial No. 60/300,106

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Technology Center 2600

Title: REMOTE VIEWING SYSTEM INCORPORATING
RELATIVE DIRECTIONAL INDICATION

PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir or Madam:

Pursuant to 37 CFR 1.102, Applicant and inventor, David A. Struyk, through his attorneys, hereby submits this Petition To Make Special and requests advancement of examination of the above-identified patent application based on alleged actual infringement of one or more claims in said application. In accordance with 37 CFR 1.102(d), a fee transmittal is submitted herewith, along with our check in the amount of \$130.00 to cover the required fee set forth in 37 CFR 1.17(h).

STATEMENT OF FACTS

On or about January 4, 2002, the Applicant herein sought out and purchased in the open market a remote viewing apparatus which incorporates a relative directional indicator, and which is believed to be manufactured and marketed by Marcum Technologies, 6871 97th Street N.E., Monticello, Minnesota 55362 (hereinafter "Marcum"). This product, which is believed to infringe upon at least some of the claims of the instant application, is actually being sold on the open market, and is available for purchase in local sporting goods stores. Attached hereto as Exhibit A is an original advertisement of the remote viewing apparatus purchased by the Applicant herein, which advertises the relative directional indicator feature thereof.

Upon purchasing the remote viewing apparatus and obtaining literature thereon, the Applicant herein contacted the undersigned attorney who, along with the Applicant, conducted a rigid and extensive comparison of the remote viewing apparatus manufactured by Marcum with the claims of the instant application. From such comparison, it was concluded by the Applicant and his attorney that at least some of the claims of the instant application are unquestionably infringed by Marcum's remote viewing apparatus.

The Applicant thereafter conducted a careful and thorough search of the prior art through an outside searching service (NERAC), and has uncovered the following patents and applications for patent deemed to be pertinent, none of which either alone, or in combination, are believed to anticipate the claims of the instant application.

| <u>Patent Office</u> | <u>Document</u> | <u>Applicant/Patentee</u> | <u>Issue/Publication Date</u> |
|----------------------|-----------------|--|-------------------------------|
| U.S. | 5,471,296 | Parker, et al. | November 28, 1995 |
| U.S. | 6,091,443 | Ford, et al. | July 18, 2000 |
| U.S. | 6,097,424 | Zernov, et al. | August 1, 2000 |
| U.S. | 6,262,761B1 | Zernov, et al. | July 17, 2001 |
| U.S. | 6,366,533B1 | English | April 2, 2002 |
| European | EP0418708B1 | ABB Reaktor GmbH | March 27, 1991 |
| European | EP0631683B1 | Commonwealth Scientific and Industrial Research Organization | January 4, 1995 |
| European | EP0650434B1 | DEN NORSKE STATS OLSES ELSKAP A.S. | May 3, 1995 |
| WIPO | WO01/22149A1 | Canadian Space Agency | March 29, 2001 |
| Japan | 06285786JP | NIPPON STEEL CORP. | October 11, 1994 |

Copies of each of the above patents and applications have been submitted to the United States Patent and Trademark Office via a Supplemental Information Disclosure Statement, and are enclosed herewith for convenience in considering the instant Petition. Applicant's Declaration in support of this Petition is also submitted herewith.

As presently understood by the Applicant and undersigned, non-English European Patent No. EP0418708B1 discloses an apparatus and process utilized for the remote-controlled positioning of an inspection device relative to an object under inspection through the use of a camera device.

Japanese Patent Publication No. 06285786JP similarly utilizes a camera positioned in the vicinity of a robot to control the robot operation, whereby the camera's relative position to the robot is maintained irrespective of the working range of the robot. Again, none of such patents, either alone, or in combination, are believed to anticipate the claims of the instant application.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon, declares that all statements made of his own knowledge are true; and that all statements made on information and belief are believed to be true.

Based on the above facts, as supported by the accompanying declaration of the Applicant, it is believed that the Applicant herein has taken all necessary action required under 37 C.F.R. 1.102 to support the grant of the requested Petition to Make Special. For all of the foregoing reasons, it is therefore respectfully requested that this Petition to Make Special be granted, and examination of the instant application be advanced in accordance with 37 CFR 1.102.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian F. Schroeder", written over a horizontal line.

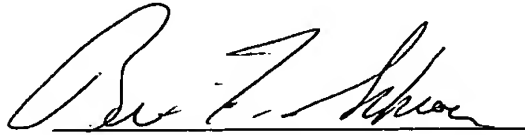
Brian F. Schroeder, Reg. No. 32,435
SCHROEDER & SIEGFRIED, P.A.
222 South Ninth Street, Suite 2870
Minneapolis, Minnesota 55402

BFS:wls
Enclosures



CERTIFICATE OF MAILING

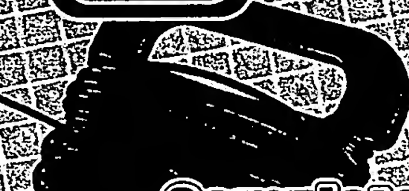
I hereby certify that the foregoing PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102 with Supporting Declaration of David A. Struyk is being deposited with the U.S. Postal Service as First Class Mail, in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C., this 3rd day of June, 2002.


Brian F. Schroeder

Stock the One that Sells Itself!



by **Marcum Technologies**



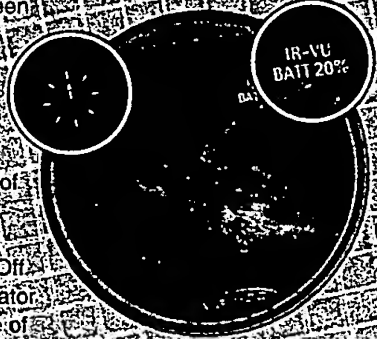
Completely Redesigned Underwater Viewing System for 2001/2002!

VS400 and VS500

On-Screen Interactive Displays (vs 500 only)

A programmed microprocessor provides a range of valuable on-screen menu options including:

- o Directional Viewing Display (direction sensors show which way the camera is pointing, regardless of monitor position)
- o Lighting options
- o Infrared, Multicolor, Off
- o Battery charge indicator registers percentage of battery power remaining in 10% increments
- o Blinking low battery indicator flashes from 10% to shutdown



Motorized Directional Ice Arm (vs 500 only)

- o Remote camera steering from up to 15 feet away
- o Detachable waterproof plug
- o DC motor with manual override
- o Cable clip

Exclusive membrane keypad controls all basic functions. And just a touch of the arrow keys steers the camera through 360 degrees from up to 15 feet away!



New, Larger (15.0 inch) Viewing Monitor

- o Black & white, 20% larger viewing area
- o High-resolution CRT (cathode ray tube) 1350 TV lines
- o Built-in video port for recording to VHS or camcorder or to view on larger TV display

Easy-To-Use, Built-In Charging Port

- o Compact wall charger with DC plug-in
- o Eliminates disconnecting battery connections

Ultra-Clear Sony Component Camera

- o High-resolution, low lux
- o Waterproof plug detaches camera from monitor

EXHIBIT A

Marcum Technologies presents ...

VS 500 Underwater Viewing System

This integrated, easy-to-use system is truly the next generation in underwater viewing. The VS 500 provides on-screen displays to show lighting options, battery status and viewing direction, so there's no more guessing which way the camera is pointing. And with our new motorized ice arm, just a touch of the indicator keys on the monitor keypad can steer the camera through 360 degrees from up to 15 feet away!

VS 500 includes:

- o **Exclusive:** Monitor featuring on-screen interactive displays
- o **Exclusive:** Motorized ice arm
- o 5-inch, high-resolution, black & white monitor (350 TV lines)
- o Sony component camera
- o 60 foot or 100 foot Kevlar® reinforced cable
- o DC plug-in for battery charging
- o Infrared and multicolor underwater lighting systems
- o Built-in video port for recording to VHS or camcorder, or to view on larger TV display
- o Compact system (less than 1-foot high)
- o **And Fewer Returns!** Our on-staff engineers ensure a low return rate by using only top-quality switches, connectors and a water-proof camera housing. All electronics are thoroughly field tested.

VS 400 Underwater Viewing System

This system offers all the performance advantages of the VS 500, with the exception of the on-screen interactive displays, microprocessor controlled keypad, and the motorized ice arm. Otherwise, all system components are identical to the VS 500.

VS 400 includes:

- o 5-inch, high-resolution, black & white monitor
- o Sony component camera
- o 60 foot or 100 foot Kevlar® reinforced cable
- o DC plug-in for battery charging
- o Infrared and multicolor underwater lighting systems
- o Built-in video port for recording to VHS or camcorder, or to view on larger TV display
- o Compact system (less than 1-foot high)
- o **And Fewer Returns!** Our on-staff engineers ensure a low return rate by using only top-quality switches, connectors and a water-proof camera housing. All electronics are thoroughly field tested.

Accessories included with the VS 400 and the VS 500 for the same low price are:

- o 12 volt / 7 amp sealed lead acid battery
- o Battery charger with charge protection
- o Fin & Weight for open-water stability
- o Ice arm (*VS 500 features the exclusive motorized ice arm*)
- o Completely enclosed, weather-resistant zippered Soft Pack with collapsible (telescoping) viewing shroud

Kevlar is a registered trademark of DuPont.

Marcum Technologies ... the leader in underwater viewing system performance and innovations.

OVS Underwater Viewing Systems are designed and manufactured by engineers of Marcum Technologies. In addition to the VS 400 and VS 500, Marcum Technologies also manufactures battery monitoring devices, battery charging systems, depth finders, underwater cameras, hand-held sonar, electronics carriage and electronics "Soft Packs."



For more information, contact your local distributor or call Marcum Technologies at (763) 295-2085.
Please visit our Web site: www.marcumtech.com

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Marcum
Technologies